

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACOB KAPLAN,

12 Civ. 7610 (RA)

Plaintiff,

-against-

UNITED HEALTHCARE INSURANCE COMPANY
OF NEW YORK and OPTUMHEALTH, INC.,

Defendants.
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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying declaration of Robert M. Kaplan, dated June 26, 2013 and the accompanying exhibits, plaintiff will move this Court before the Honorable Ronnie Abrams, United States District Judge, at the United States Courthouse, 40 Foley Square, New York, New York, on July 22, 2013 for an order pursuant to F.R.C.P. 41(a)(2), dismissing his third cause of action without prejudice.

PLEASE TAKE FURTHER NOTICE that opposing papers, if any, are to be served by July 12, 2013.

Dated: New York, New York
June 26, 2013

FERBER CHAN ESSNER & COLLIER, LLP

By: /s/Robert M. Kaplan

Robert M. Kaplan (RK1428)

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